## REMARKS

**Personal Interview**

Applicants wish to thank the Examiner for the courtesies extended to counsel during the personal interview that was held on November 4, 2009. The Interview Summary accurately reflects the substance of the discussions during the interview.

**Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1, 7-10, 15, 16, 19, 71,74, 76, 83-85,87, 89 and 97-100 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (U.S. Pat. No. 6,758,824) in view of Fucci et al. (U.S. Pat. No. 5,366,468). As noted in the aforesaid interview, neither Miller et al. nor Fucci et al. disclose a tissue cutting member with a longitudinal slit or a tissue cutting edge that lies in a surface that is inclined with respect to a pair of opposed tissue cutting edges of the probe member. Moreover, the references fail to disclose a longitudinal opening having a distal end that opens to the trailing edge of the tissue receiving aperture and that has closed proximal end. Neither discloses a second opening that is circumferentially spaced from the first opening.

Claims 77-82 and 90-95 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. ('824) in view of Fucci et al. ('468) and in further view of Majlessi (U.S. Pat. No. 5,871,454).

The '454 patent describes a pair of openings which act much like a cheese grater but this reference fails to make up for what Miller et al. ('824) and Fucci et al. ('468) do not teach.

**New Prior Art**

During the aforesaid interview, applicants counsel discussed U.S. Pat. No. 6,258,111 (Ross et al.) which was recently brought to applicants' attention in a foreign

application related to the present application and which applicants had cited in the present application. Applicants noted Figs. 28 and 29 of this reference. Figs. 28 and 29 disclose slits 492 and 502 which open to a tissue receiving aperture. The embodiment shown in Fig. 29 has an inclined tissue cutting edge (510), whereas Fig. 28 has a tissue cutting edge (494) which is essentially perpendicular to the longitudinal axis. Neither embodiment teaches or suggests a flared distal tip with an inclined tissue cutting edge and with a slit as called for in applicants' claims. As noted in the aforesaid interview, the '111 patent does not disclose how the tissue cutting member cuts tissue and specifically whether there is contact between the cutting edge of the inner member and the edge of the aperture. The lower lip urges the cutting member toward the aperture of the outer member but the reference is silent as to the nature of the cutting mechanism. While the reference is at first blush pertinent, it fails to teach all of applicants' claimed features.

A copy of the Written Opinion which first referenced Ross et al. is attached hereto along with PTO-1449 which lists the Ross et al. patent.

**Conclusions**

Applicants believe that the pending claims are directed to patentable subject matter. Reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

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